

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

VIRNETX INC., et al §
§
V. § CIVIL NO. 6:12-CV-855
§
APPLE INC. §

MINUTES FOR FOURTH DAY OF TRIAL
HELD BEFORE JUDGE ROBERT W. SCHROEDER III
OCTOBER 30, 2020

OPEN: 8:25 a.m. ADJOURN: 4:47 p.m.

ATTORNEYS FOR PLAINTIFFS: Brad Caldwell, Justin Curry, Jason Cassidy and Johnny Ward

ATTORNEYS FOR DEFENDANT: Mike Jones, Greg Arovas, Jeanne Heffernan, Robert Appleby and Leslie Schmidt

LAW CLERK: Jacob Vannette

COURTROOM DEPUTY: Betty Schroeder

COURT REPORTER: Shelly Holmes

8:25 a.m. Outside the presence of the Court, Mr. Summers argues Plaintiff's objections to the instructions; Ms. Schmidt responds; Ms. Schmidt argues Defendant's objections to the instructions; Ms. Schmidt argues Defendant's objections to the verdict form; Mr. Summers responds; Court responds

8:42 a.m. Recess

8:51 a.m. Jury seated

8:53 a.m. Mr. Arovas calls Giovanni Tobia by deposition

8:59 a.m. Mr. Arovas calls Sameer Mathur by deposition

9:01 a.m. Ms. Heffernan calls Christopher Bakewell; witness sworn in

9:01 a.m. Ms. Heffernan begins direct examination of Mr. Bakewell

9:09 a.m. Ms. Heffernan offers Mr. Bakewell as an expert in intellectual property valuation and patent damages; no objections

9:53 a.m. Objection by Mr. Ward; Ms. Heffernan responds; Court responds - overruled

10:13 a.m. Objection by Mr. Ward; Court - overruled

10:20 a.m. Mr. Ward begins cross examination of Mr. Bakewell

10:39 a.m. Objection by Ms. Heffernan; bench conference

10:40 a.m. Mr. Ward continues with cross examination

10:42 a.m. Bench conference

10:44 a.m. Mr. Ward continues with cross examination

11:19 a.m. Objection by Ms. Heffernan; Court - rephrase the question

11:38 a.m. Bench conference

11:39 a.m. Mr. Ward continues with cross examination

11:44 a.m. Bench conference

11:45 a.m. Jury excused for lunch

11:46 a.m. Recess

12:53 p.m. Jury seated

12:55 p.m. Ms. Heffernan advises she has no additional questions for Mr. Bakewell

12:56 a.m. Ms. Heffernan moves into the record demonstrative exhibits; no objections; Ms. Heffernan moves into evidence exhibits used; no objections; Mr. Cassady moves to admit PX1236; Ms. Heffernan may have an objection

12:29 p.m. Bench conference

1:02 p.m. Court questions the Plaintiff if they are ready to rest their case; Mr. Caldwell responds; Ms. Heffernan has no objection to Plaintiff's PX1236; Mr. Caldwell

announces that Plaintiff will rest; Mr. Arovas advises that Defendant rest

1:05 p.m. Jury excused

1:05 p.m. Outside the presence of the jury, the Court and parties discuss the filing of JMOLs, final instructions and verdict form

1:10 p.m. Recess

1:19 p.m. Jury seated

1:20 p.m. Court gives final instructions to jury and brief review of verdict form

1:57 p.m. Mr. Ward begins closing argument for Plaintiff

2:17 p.m. Mr. Arovas gives closing argument for Defendant

2:49 p.m. Mr. Caldwell concludes Plaintiff's closing argument

3:01 p.m. Court releases jury to deliberate

3:03 p.m. Recess

4:32 p.m. Outside the presence of the jury, the Court announces that a verdict has been reached and the parties have reviewed the verdict and the math is correct; Mr Caldwell and Mr. Arovas agree that the math is correct

4:35 p.m. Jury seated

4:35 p.m. Court questions the jury if they have reached a verdict and if it is unanimous; foreperson states they have reached a verdict and it is unanimous

4:42 p.m. Jury released

4:43 p.m. Court gives the parties dates for possible post-trial hearing and thanks the attorneys for a well tried case

4:47 p.m. Adjourned

4:36 p.m. Verdict read

4:37 p.m. Court polls the jury; each member of the jury stands

4:38 p.m. Verdict confirmed and accepted

4:38 p.m. Court thanks the jury for their service and releases them from not speaking to anyone about the case